

### **Remarks**

Claims 1-7, 9-12, 39-44, 47-45, 57-79, 81-83, 85-93, 110, 112-116, 118, 120, 122-125, 127, 129-136 and 139-149 are currently pending in the application. The Examiner has rejected all currently pending claims based on previously and newly cited prior art. The Examiner's rejections will be addressed in the order in which they were presented in the office action.

### **Regarding Claims 1-7 and 9-12**

Claims 1-7 and 9-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that claim 1 recites the limitation "the status" in line 5 which lacks antecedent basis. The Applicant has modified claim 1 to remove the word "the" from that phrase. In addition, the Examiner states that the limitation "sending a location or other identifier to said central computer" in line 6 is unclear because it is not clear what is meant by "location or other identifier". In response, the Applicants' have modified claim 1 to specify that information regarding location is being sent. As a result, the rejections under § 112 have been traversed.

The Examiner further states that the limitation "receiving and displaying information" will be construed such that any information can qualify. The Applicant has amended claim 1 to limit this information to information regarding goods and services available at the venue.

Claims 1-3, 6, 11-12, 39-42, 49-51, 54-55, 57-59, 61-64, 66-67, 69-70, 73, 75-77, 81, 85-87, 90-91, 93, 110, 114-115, 118, 120, 122-125, 127, 142-143 and 145-149 have been rejected under 35 U.S.C.

§ 103(a) as being unpatentable over U.S. Patent 7,257,547 (“Terase”) in view of U.S. Published Patent Application 2002/0138350 (“Cogen”).

**Regarding Claims 1, 39, 50, 59, 69, 86 and 110.**

The Examiner states that the limitation of “providing portable staff units to staff members of the venue ... wherein the portable staff units have interactive display screens” is disclosed in Terase (column 6, line 53 – column 7, line 7), in that Terase teaches PHS terminals given to the staff have interactive display screens, such as the touch screen. The Applicant is in disagreement with the Examiner’s interpretation of what is disclosed in this passage from Terase. This passage from Terase discusses “PC functional unit 101”, which is shown in detail in Figure 3. However, the unit described and shown in Figure 3, the “PC functional unit 101”, is not the unit that is carried by the servers at the venue. The servers carry only a PHS terminal. The device shown in Figure 3 is utilized in other areas of the venue. The Applicant directs the Examiner’s attention to the paragraph directly above the cited passage, at column 6, lines 46-53 which states as follows:

*The tabletop terminals 10, countertop terminals 30, worktable terminal 15, kitchen terminal 16 and guide display 18 are essentially identical and personal computers. Referring to Figure 3, each of the foregoing terminals is mainly composed of a PC functional unit 101, a PHS terminal functional unit 102, a DFT liquid crystal panel 103 and a battery power supply 104. (emphasis added)*

Thus, it can easily be seen that the PHS terminal 102 is a part of the configuration that is situated in nearly all areas of the system disclosed in Terase, except with the staff, who only carry the PHS terminal, not the PC functional unit 101. It is the PC functional unit 101 which includes the touch panel control, which controls the TFT Liquid Crystal panel. The PC Functional unit 101 is only present in the tabletop terminals 10, countertop terminals 30, worktable terminal 15, kitchen terminal 16 and the guide display 18. Thus, the Examiner's conclusion that the units carried by the staff include a touch panel as stated on page 4 of the office action is not accurate. The PHS units carried by the servers do not include the interactive display screen.

The Examiner next states that the limitation of enabling staff members to view information about orders and/or requests made by patrons on the portable staff unit is disclosed in Terase (column 11, lines 32-41 and column 12, lines 41-63), which the Examiner states "teaches staff view information of game ordering and ordered dishes made by the patron". The cited passage in Column 11 teaches that a patron is able to press a call button on the table top unit which will be used to call a staff person via the staff person's PHS unit. In response, the employee can indicate, via the PHS unit, "please wait" and then must go to the table to see what the customer wishes to do. This functionality is all that is available on the PHS units carried by the staff. Thus, the cited passage in column 11 does not enable staff members to view, on their portable units, information about orders or requests made by the patrons.

Regarding the cited passage in column 12, a careful reading of this passage shows that the information regarding an order that is transmitted to a staff PHS unit is that the order has been completed by the cook. This is a status message. In response, the Applicant has modified claim 1 to make the limitation more clear. The limitation now states that the staff units allow the viewing the details of outstanding requests as well as the status of those requests. The cited passages only shows

viewing the status of requests made by one or more patrons, not the details of the outstanding requests. Therefore, this limitation is not met by Terasé.

The Examiner states that the limitation that the staff units display a map of the location of the patron units is disclosed in Terasé (column 13, lines 21-23). First, as previously established, the PHS terminals carried by the staff do not include an interactive display screen, or any type of display screen. The Applicant wishes to draw the Examiner's attention to the cited passage wherein it states the following:

If an inexperienced employee cannot locate the table on the basis of the table number, he or she touches a particular position on the worktable terminal 15. Then, the destination of the cooked dish is indicated in a particular color. (emphasis added)

Therefore, it would appear that the worktable terminal 15 has a map of the location of the tables displayed, which may be highlighted to show the destination of a particular order. However, this information is not displayed on the PHP staff units. To check the information, the staff member must go to the worktable terminal 15, which is separate from the PHS terminals 22. Therefore, the conclusion made by the Examiner that the cited passage teaches the staff units being able to display dishes and table numbers is inaccurate.

The Examiner states that the limitation of sending a location or other identifier to a central computer is disclosed in Terasé (column 10, line 57 - column 11, line 30) which teaches sending the

location of the order terminal to the central control unit. However, the Applicant disagrees with the Examiner's interpretation. The cited passage states that the identification code of the table is read from the terminal receptacle and that the customer's order and account will be processed on the basis of that identification code. The cited passage therefore discloses an identification code, not a location code. The identification code is tied to the table and, because the tables are not mobile, does not serve to indicate the location of the table, and because the tables are not mobile, there is no reason to send location information regarding the tables to a central computer. Second, nowhere in the cited passage does it say that the identification code is sent to the central control unit. The cited passage merely states that the identification code is read from the terminal receptacle 12 via the table top terminal and is used to process the customer's order. Therefore, this limitation is not disclosed in the cited passage.

On page 6 of the office action, the Examiner again states that the PHS terminals given to the servers have an interactive display screen, which is disclosed in Teras (column 6, line 53 - column 7, line 7). However, as previously discussed, the PHS terminals do not have an display screen, interactive or otherwise. The cited passage discusses "PC functional unit 101", which, as previously discussed, are used in other areas of the system, but not as a PHS staff unit.

The Examiner states that the portable staff units are capable of sending requests to the central computers for information regarding requests from patrons (column 6, line 53 - column 7, line 5). The Examiner states that this passage teaches sending requests through a central computer to notify that two tables have been combined. The Applicant does not see the disclosure of this particular function in the cited passage. Furthermore, the cited passage does not refer to portable staff units, but instead refers to "PC functional units 101" which are utilized as tabletop terminals, countertop terminals, worktable

terminals, kitchen terminals and guide displays, but not as the portable staff units, which are specified as being PHS units. The portable staff units are not capable of sending requests to central computers for information regarding the requests of patrons, and, in any case, this feature is not described.

The Examiner states that the limitation of viewing outstanding requests and their status from one or more said patron units is disclosed in Terasé (column 12, lines 41-63, claims 19-20), which teaches the order status being displayed to the order terminals. The Applicant is in agreement with the Examiner that the order status is indicated on the order terminals. However, the order details are not indicated on the staff units. The Applicant has amended claim 1 to remove awkward wording that made it seem as though the information was being displayed on a table terminal rather than on a staff unit. A close reading of the cited passage in column 12 indicates that the status of a particular request is input in the kitchen terminal and is transmitted to the PHS terminals, not the details of the order. The Applicant has also amended claim 1 to make it clear that it is the viewing of the details and status of outstanding requests and their status that is done utilizing the portable staff units. This is not disclosed in Terasé, as the staff units in Terasé have no means to view the details of orders (no screen in the PHS units of Terasé). Claim 19 further states that an order status device indicates when ordered items are not available to the portable table top terminal. It is not clear in claim 19 what the term “order status device” refers to, although the language appears broad enough to include the PHS portable staff units. However, it is clear from claim 19 that it is the status that is being transmitted to these unit sand not the details of the orders themselves. Again, with respect to claim 20, it is the order status that is input in the kitchen (it is referred to in claim 20 as a “product ready indication”). Further, claim 20 does not state that the information is even transmitted to the portable staff units but that it is instead sent to the table top units.

The Examiner states that the limitation of “displaying a map showing the location of one or more of the patron units” is disclosed in Terasé (column 10, line 64 – column 11, line 9 and column 13, lines 1-23), which teaches a guide display visually displaying a route to the table and a staff unit displaying dishes and table numbers to where the ordered dishes should be delivered. First, with respect to the cited passage in columns 10-11 the Examiner is correct in stating that the passage teaches a guide display which visually displays the route to the table. However, the guide display is not the same as a portable staff unit. The guide display is a unit which is located near the entrance to the restaurant where customers are waiting for tables. The Applicant directs the Examiner’s attention to column 10, lines 64 wherein it states: “The customers come to the guide display 18 via route a4 and pushes the ENTER button. The guide display 18 visually indicates the route to the tables in question to guide the customers.” Therefore, it is not the portable staff units which are displaying the route, it is the guide display, which is used by the customers. Furthermore, in Terasé, there is no need to display the route for the advantage of the staff, as the staff knows where the tables are located. The tables in Terasé do not move, whereas the portable patron units in present invention are mobile and may move with the customer. Customers in Terasé are stationary at the tables and do not move about the venue. The cited passage in column 13, teaches that in the case of an inexperienced employee, a route to the table may be displayed, but that the display occurs on the work table terminal 15, not on the portable staff unit 22. Thus, there is no disclosure in Terasé of the portable staff unit being able to display a map showing the location of all portable patron units.

With respect to the limitation of allowing a staff member to update the status of an outstanding patron request, the Examiner states that this is disclosed in Terasé (column 8, lines 40-64 and column

12, lines 41-63) which teaches that the kitchen terminal used by the staff updates the status of the ordered food to all the terminals, including the order terminals of the patrons. However, this is not what is claimed in claim 1. This limitation of claim 1 applies to the portable staff units and allowing the staff member to update the status of an outstanding patron requests from the portable staff units. Because the cited passage only applies to the kitchen terminal, the limitation that appears in claim 1 is not disclosed.

The limitation of allowing a staff member to input requests for patrons via the portable staff unit is indicated by the Examiner as being disclosed in Teras (column 8, lines 40-64 and column 18, lines 61-67) which teaches a kitchen terminal indicating that the ordered food status and availability of food in response to the input from the PHS terminals. The cited passage in Column 8 discloses operations of the kitchen terminal and what may be indicated by the kitchen terminal. Nowhere in the cited passage does it state that the PHS terminal is allowed to input requests from patrons. Furthermore, this limitation of claim 1 has been amended to state that the portable staff unit “allows the staff member to input orders for goods and services for patrons.” The phrase “orders for goods and services” has replaced the word request to make it more clear that what is being claimed here is that the customers need not order from their own table-top customer units but may verbally give their order to the staff unit who enters it onto their portable staff units on behalf of the customer. This is not disclosed in Teras.

With respect to the one or more central computer systems, the Examiner states that the function of identifying a plurality of patron units by location or specific identifier is disclosed in Teras (column 5, lines 9-13 and column 6, line 55 – column 7, line 35), which teaches that the tabletop terminal reads the identification code from the tabletop receptacle and the tabletop terminal incorporates the table identification codes when processing an order. This has been previously discussed. First, the tabletop



terminal reads the identification code from the receptacle. The identification code does not indicate the location of the table, as the tables are non-mobile and the location is known by the staff of the venue. Secondly, it does not state anywhere in the cited passages that this information is sent to the central computer. The cited passage merely states that the tabletop terminal reads the identification code from the table terminal receptacle.

The Examiner further states that Terase does not explicitly disclose storing information regarding past requests from each patron but that this is displayed in Cogen (paragraph [0010]). The Applicant respectfully submits that the Examiner has misinterpreted the teachings of Cogen. Specifically, Cogen does not disclose a system wherein the central control computer stores information regarding past requests from each patron. The system of Cogen instead teaches that a portable computer owned by the customer and not part of the venue-based system, may be used to store such information and that this information is transmitted to the restaurant upon the customer's arrival at the restaurant or prior to the customer's arrival at the restaurant. The Applicant directs the Examiner's attention to paragraph [0012] – [0013] of Cogen, which states as follows:

[0012] It is therefore an object of the present invention to provide a solution to the problem of storing substantially entire menus and menu selections on a remote ordering device. It is a further object of the present invention to provide a solution to the need for a convenient and efficient way to place an order at a drive through or a walkup ordering station at a restaurant.

[0013] According to the present invention, the customer can load a menu application (computer program) onto a handheld computer. Using the menu program on the handheld computer, the customer can record selections that he/she wishes to order during his/her next visit to the restaurant. These menu selections can then be saved as a file in the memory on the handheld computer. When the customer later arrives at the restaurant, he/she can select the file with the previously encoded menu selections and beam (transmit) it to a station adjacent to the drive through lane, without having to get out of the car, or to a station at a walk up ordering area. (emphasis added)

Therefore, it can easily be seen that there is no system in the restaurant disclosed in Cogen that saves information regarding the previous purchasing requests from each patron, but that this information is saved on a computer external to the system which is in the possession of the customer. As a result, it would not have been obvious to combine Cogen with Terasense as Terasense deals exclusively with an in-venue system and not one that utilizes external, customer-owned pieces of equipment. Therefore, the combination of Terasense and Cogen does not teach the present system.

### **Regarding Claims 2 and 61**

The Examiner states that Terasense (column 11, lines 32-41 and column 12, lines 18-22) discloses the playing of games via the tabletop terminal. The Examiner states that he construes that the video

game was played using the tabletop terminal and that the PHS terminal of the employee is used to enable the game in order to charge a customer for playing time of the game. However, close reading of the cited passage, particularly column 11, lines 32-41, shows that this passage does not disclose the actual playing of the game on the table top terminal but only discloses the enablement of game playing. The passage states as follows:

The tabletop terminals 10 are designed for *enabling* customers to enjoy games. If children wish to play games in step S8, a “call” button will be touched to call an employee via the PHS terminal 22. A plurality of employees may be called in this case. The called employee answers an indicates “please wait” on the tabletop terminal 10, using a PHS terminal 22, and checks which table is calling. The employee comes [to] the calling table, verifies the customers wishes to play a game and *enables the use of the game machine*. (emphasis added)

Note that the tabletop terminal is only designed for *enabling* the customer to enjoy games. The actual games are played on a “game machine” which has not been described in this Teras. However, the use of the words “game machine” indicate that it is not the tabletop unit or any other unit that is part of the Teras system that is being used for the actual game playing. Therefore, the Applicant is in disagreement with the Examiner’s conclusion that the tabletop terminal allows the customers to play games thereon.

### **Regarding Claims 3 and 67**

The Examiner states that Terasé (column 11, lines 32-41 and column 12, lines 8-18) teaches the processing of requests which comprises the step of routing requests to an appropriate fulfillment center. However the cited passages of Terasé only indicates that the request consists of only of a “call” button activated by the patron to broadcast a request to a plurality of servers via PHS terminals 22. Terasé specifically states “a *plurality of employees* may be called in this case” at column 11, lines 34-35. Therefore, the requests are not actually routed anywhere but are broadcast instead to a plurality of patron or server units, which in this case are PHS terminals 22. The cited passage in column 12 indicates that when an order button is pressed, the tabletop terminal sends the order for the dishes to the kitchen. In response, claim 3 has been modified to indicate that the request is analyzed and then send to the appropriate fulfillment center. This is not disclosed in Terasé as the only place that orders can be sent is to the kitchen. Therefore, the system assumes that the orders are for food and not for another goods or services offered at the venue, for example, making an appointment for a massage at a spa.

### **Regarding Claims 6, 57, 66 and 93**

The Examiner states that Terasé (column 13, lines 26-55) teaches that a patron can request bills via the patron units. The cited passage of Terasé actually teaches that the customer can press a payment key, upon which their accounts will be totaled, and an unoccupied employee is then called to escort the customer to the cashier. There is no disclosure in Terasé that the checks are delivered to the customers via their tabletop units. To make this limitation of the present invention clearer, claims 6, 57, 66 and 93 have been amended to state that the patrons are able to request bills be delivered to their patron units. This distinguishes the present invention from Terasé because Terasé delivers the patrons to the cashier

where they are presented with their bills but fails to disclose the delivery of the bills to the tabletop (patron) units.

#### **Regarding Claims 12, 49 and 85**

The Examiner states that the limitation of these claims wherein the tabletop menu displays advertisements that are appurtenant to the items ordered is obvious because Terasa discloses the displaying of advertisements as well as displaying the item that was ordered by the patron. The Applicant is in disagreement with the Examiner's interpretation of Terasa. However, to further differentiate these claims from Terasa, the Applicant has amended claims 12 and 49 to include the limitation that the patron's request be analyzed and that items that are appurtenant to that request be displayed. This is not disclosed in Terasa and the combination of the two elements cited by the Examiner which are disclosed in Terasa, mainly the displaying of an item ordered and the displaying of advertisements when combined would indicate the disclosure of the displaying of advertisements for the items ordered not advertisements for items which are pertinent to the items order. This limitation indicates, for example, that if a patron ordered an appetizer, then an alcoholic beverage might also be enjoyed, wherein the alcoholic beverage is appurtenant to the appetizer.

#### **Regarding Claims 40, 63 and 75**

The Examiner states that Terasa teaches all the elements of the claimed invention but is silent regarding directing the patron unit to display an item previously ordered by the patron to enable a patron to reorder the previously ordered item. The Examiner states that Cogen discloses a system and method

for placing orders in a restaurant directing a patron unit to display an item previously ordered at paragraph [0010]. As has been previously discussed, the differences between Cogen and the present invention are clear. Cogen discloses a system wherein previous orders may be stored on the customer's computer and wherein the customer's computer is then used to transmit the order to the restaurant prior to or at the time of the customer's arrival at the restaurant. In the present application, it is claimed that the system be able to store and display previous items ordered by the patron. This is useful, for example, when a patron wish to order another "round" of the same drinks as previously ordered. The mere suggestion that previous orders be stored somewhere, as in Cogen, does not indicate that the storage facility is part of the system of the invention and, in Cogen's case, it is not. In the present application, the patrons are not required to bring any of their own equipment. The system is entirely self sufficient and, of necessity, would include a database which contains the patron's previous orders.

#### **Regarding Claims 41, 64 and 76**

The Examiner states that Terasa teaches all elements of the claimed invention but fails to disclose preference information regarding a patron. The Examiner states that Cogen discloses a system and method wherein method for placing an order at a restaurant having preference information regarding a patron. As previously discussed, system of Cogen does not disclose the storing of information regarding any patron or any previously ordered items or preferences from a patron. This information is all stored within a device owned by the patron and which is carried by the patron to the venue when the patron visits the venue. There is no disclosure in Cogen of preference information, therefore, there is no disclosure in Cogen of preference information for a particular patron being stored in the system. A combination of a customer owned device which stores information regarding past orders with the

teachings of Teraser does not suggest a system wherein those preferences are stored internally. The Examiner states that the claimed elements that are known in Teraser and Cogen and the one of skilled art could have combined the elements as claimed by known methods with no change in the respective functions and the combination would have nearly predict the results to one of ordinary skill in the art. This is simply not true as significant modifications to the system of Cogen would need to be performed to combine them with Teraser to suggest or teach the current system. For instance, the primary aspect of Cogen, the customer owned equipment, would need to be eliminated.

#### **Regarding Claims 42 and 77**

The Examiner states that Teraser (column 12, lines 41 through column 13, lines 25) teaches directing the patron unit to display an estimate of the time to completion of a pending request. The Applicant is in disagreement with the Examiner's conclusion. No estimate of time is disclosed in the cited passage or anywhere else in Teraser. The cited passage only states that a status indicator is displayed indicating that the dish is under delivery. The cited passage states as follows: "the dish under delivery is indicated in blue on the work table terminals 15, and is also indicated on the tabletop terminal 10." There is no indication that a time estimate is provided but only that a dish has been completed by the kitchen and is in the process of being delivered to the table. Therefore, the limitation of an estimate for completion of a dish is not met by Teraser.

#### **Regarding Claims 54, 91 and 114**

The Examiner states that Terasa (column 6, lines 53 through column 7, line 5) teaches directing a portable staff unit to display patrons that are logged onto the network for the venue and that this is disclosed in. The cited passage, however, merely describes the hardware configuration of the system. No mention is made of users logging on to the system nor is it indicated that a display is made of those patrons that are logged onto the system.

### **Regarding Claims 55, 91 and 115**

The Examiner states that Terasa (column 11, lines 31-40 and column 13, lines 26-55) teaches directing a portable staff unit to display in real time the activity of a patron which is performed concurrently on a portable patron device. The cited passage in column 11 deals with the previously discussed feature of enabling the customers to play games and the use of the call button by a patron to call a server over to enable the playing of the game. However, this is not a disclosure of the display of real time activity by a patron on the staff unit. These claims indicate that when a patron performs an activity on a staff unit that this activity is echoed on the portable staff unit such that the staff members can monitor the activity of the patrons. The Applicant is of the opinion that the mere press of the call button to call an employee to the patron's table does not constitute displaying the patron's activities on the portable staff unit. Regarding the cited passage in column 13, this is the passage which discloses the indication made by a patron that he wishes to pay the check and whereby the staff member is notified on the portable staff unit that the patron wishes to pay and thus knows to go to the table to collect the patron to take him to the cashier station. This is very much like the call function previously discussed and disclosed in column 11 and does not indicate that activities of the patron are performed on the patron



unit are echoed on the portable staff unit. As a result, the Applicant respectfully submits that this limitation is not met by the system of Terasé.

#### **Regarding Claim 58**

The Examiner states that Terasé (Abstract, column 5 and column 14) teaches directing a portable staff unit to display messages and information received from the venue management. However, as previously discussed, no display function is provided in the PHS units of Terasé. PHS units are walkie talkie type devices having (most likely) one or more LED lights as indicators of various functions, for example, when a patron calls a staff member. No mention is made in Terasé of the PHS units which were carried by the staff being involved in data transfers. Regarding the cited passage in column 5, this cited passage indicates that the store control unit functions as a point of sales unit and is connected to a central processing system at a head office with an IP network or dedicated line. No mention is made here of the PHS terminals carried by the staff members. Regarding the cited passage in column 14, this cited passage states that the customer indicates that he will sit at the counter by touching a counter button. In response, a staff member is notified via the PHS terminal to attend to the customer. However, no disclosure here is made of a display of message received from the venue management.

#### **Regarding Claim 70**

The Examiner states that Terasé (Figure 3, in column 6 –column 7 and in column 10-column 11) teaches that a portable patron unit is a dedicated device capable of being handheld and carried by the patron and that the portable patron unit is provided to the patron upon checking into the venue or after

the patron enters a particular public area of the venue. Terasé is replete with instances indicating that the tabletop units are not portable, except to be removed from the table for the recharging of the batteries contained therein. Terasé is clear that the ordering terminals are placed into a receptacle at the tabletop and that an identification number is read therefrom indicating at which table the patron is seated. Figure 3 contains no indication that the tabletop terminal is a mobile device meant to be carried around by patrons. For instance, there is no indication that the patron's location can be tracked via the device of Figure 3 as it would move around the venue. The only thing disclosed is the terminal receptacle providing the table number where the patron's are seated. The cited passage in column 6 and 7 is the same passage as cited by the Examiner many times and merely indicates the hardware configuration of the various parts of the system. There is no discussion in this passage of the tabletop terminal being mobile. Likewise with the passage in columns 10 and 11, no indication is made that the tabletop terminals are mobile or are meant to be mobile. The described system of Terasé is meant to be utilized in traditional restaurant setting wherein customers are seated at a table and receive service at the table and then leave the venue. Therefore, there would be no need in the system of Terasé to provide a system wherein the ordering terminals are mobile. As a result, the Applicant respectfully submits that the limitations of claim 70 are not met.

### **Regarding Claim 81**

The Examiner states that Terasé (column 11, lines 32-40) teaches the user interface be configured to display messages to the patron. The cited passage in Terasé indicates that the patron can utilize the tabletop units to call an employee or staff member to come to the table. The employee then can indicate a "please wait" status to the patron via the portable PHS units carried by the staff.

However, this status message cannot be construed to be a displayed message and, as such, the Applicant submits that this limitation is not met by the system of Terasse.

### **Regarding Claims 143 and 145**

The Examiner states that Terasse teaches that the location of the patron unit is transmitted to the central computer wirelessly, stating that Terasse teaches at a terminal receptacle where the terminal reads an identification code from the table top receptacle. A close reading of the cited passages does not support this conclusion by the Examiner. The cited passages merely states that a table identification number is read from the terminal receptacle when the countertop terminal is placed in the receptacle. No mention is made in Terasse of the table identification number being transmitted to the central computer. Furthermore, the table identification number is not a location number but is an identification number indicating a particular table. While it is true that the staff of the venue are aware of the location of the tables and could pinpoint the location of the table upon knowing the identifier of the table, the identifier does not represent a location. Consider the case where a table is moved by an employee to a new area of the venue. Although the location of the table is changed, the same table identifier would be sent to the central computer. If the table identifier is not tied to the location but is instead tied to a specific table, the location of which is up to the staff of the venue to determine.

### **Regarding Claims 10, 47 and 83**

The Examiner has rejected these claims as being unpatentable over Terasse in view of Cogen and further in view of U.S. Published Patent Application 20040054585 (Buratz). The Examiner states that

the combination of Teraser and Cogen does not teach displaying a cross sell and an up sell recommendation based on the previous requests made by the patrons but that Buratz discloses a sales enhancement system and a method for retail business displaying cross sell and up sell recommendations based on previous requests made by the patrons at paragraphs [0072]-[0075]. This portion of Buratz discusses a system wherein a cashier is presented with an opportunity to up sell patrons based on what they already ordered. For example, suggesting an additional drink when more meals than drinks have been ordered. This information is displayed on the cashiers terminal. Claims 10 and 47 have been amended to make it clear that the up sell recommendations based on previous requests made by the patrons are to be displayed on the patron's tabletop units, that is the units that the patrons utilize for ordering food. Claim 83 deals only with the patron unit, so this amendment is not necessary for claim 83. Therefore, the up sell recommendations are presented directly to the patrons of the venue and not to a staff member of a venue who then is required to orally attempt to up sell the patron. Therefore, the limitation and amended claims 10, 47 and 82 is not disclosed by the combination of Teraser, Cogen and Buratz. Further, the combination of Teraser, Cogen and Buratz does not teach or suggest the current system without significant modifications, which are not obvious.

### **Regarding Claim 72**

This claim was rejected over Teraser in view of Cogen and further in view of U.S. Patent 5,845,263 (Camaisa). The Examiner states that the combination of Teraser and Cogen fails to teach a display device which is large enough to enable a patron with myopia to read information displayed on the user interface without having to use corrective optical lenses, but that Camaisa (Figures 6-15) discloses an interactive visual ordering system having a display large enough to enable all patrons with

myopias to read the information. Figures 6-15 merely show various screens utilized in the system of Camaisa. There is no indication that Figures 6-15 are drawn to scale nor is there any indication of the size of the screen which is utilized in Camaisa. Furthermore, there is no indication that the font utilized in the screens can be enlarged to allow myopic patrons to better view the text. The Examiner's conclusion that a myopic patron could easily see the text and claims in Figures 6-15 of Camaisa is a conclusion drawn by the Examiner which is not supported or based on any evidence supporting the conclusion.

#### **Regarding Claims 4-5, 7, 44, 52-53, 65, 68, 79, 92, 112-113 and 116**

These claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Terasa in view of Cogen and further in view of U.S. Published Patent Application 20020147647 (Ragsdale-Elliott).

#### **Regarding Claims 7, 53, 65 and 112**

The Examiner states that Terasa and Cogen discloses a kitchen terminal which sends a response to the PHS terminal when the status for an order is asked. The cited passage of Terasa teach that the kitchen terminal allows the kitchen to enter the status of a particular order and that this information is indicated on the PHS terminals of employees at the work table. Terasa specifically states as follows "the information is indicated in white on the kitchen terminal 16 and work table terminals 15 further, the information is transmitted to the PHS terminals 22 of employees at the work table and is indicated on the

table top terminal 10 via the wire route d1 and route c4”. As it can clearly be seen, the information regarding the status of dishes is transmitted to all employees at the work table terminal via their PHS units. Claim 7 contains the limitation that the portable staff units display the status of open orders which are assigned to a particular staff member. Terasa does not entertain the concept of patrons being the responsibility of a particular staff member but instead, has the concept where all employees are responsible for all patrons in the venue and that the next freely available employee service the next request in a queue like fashion. Therefore, the limitations of Claims 7 and 65 are not met by this combination. However, the Examiner further states that Ragsdale discloses a wireless maitre d’ system for restaurants having requests which are assigned to a particular staff member. While Ragsdale does indicate that particular staff members are assigned to particular patrons, no disclosure is made wherein the status of open orders is transmitted to the portable units carried by the staff in paragraph [0089] or anywhere else within Ragsdale. Therefore, the combination of Ragsdale with Terasa and Cogen does not disclose these claimed features.

### **Regarding Claims 53 and 113**

The Examiner states that the combination of Terasa and Cogen fails to teach that a particular staff member is responsible for orders assigned to a particular zone of responsibility, but that this is taught by Ragsdale in paragraph [0089]. The Applicant’s reading of [0089] does not indicate any mention of a “zone of responsibility” but, instead, merely states that particular patrons are assigned to particular staff members as previously stated by the Examiner. Therefore, the combination of Terasa, Cogen and Ragsdale does not teach a system wherein a staff member receives status regarding all orders

within its particular zone of responsibility. In the current system, a particular staff member is responsible for a zone, regardless of which patrons wander into or out of the zone.

#### **Regarding Claim 74**

This claim has been rejected as being unpatentable over Terasse in view of Cogen and further in view of U.S. Published Patent Application 20030089832 (Gold). The Examiner states that the combination of Terasse and Cogen fails to teach providing protection against the sun from the portable staff units. The Examiner further states that Gold discloses a multi-function accessory for hand-held electronics providing protection against the sun in paragraph [0019]. However, a reading of Gold indicates in paragraph [0019] that an auxiliary device is provided to an electronic unit to provide privacy and as a shield against the sun to prevent glare from screen. No where in Gold is it mentioned that the device is constructed from a material that is resistant to degradation from the sun rays as is meant by Claim 74. Furthermore, the limitation in the parent claims of Claim 74 are not taught by Terasse and Cogen as previously discussed by the Applicant.

#### **Regarding Claims 132 and 133**

The Examiner rejected these claims under 35 U.S.C. § 103(a) as being unpatentable over Terasse in view of Cogen and further in view of U.S. Published Application 20030088469 (Leifer). The Examiner states that the combination of Terasse and Cogen fails to teach a patron unit storing data indicative of a location of the patron unit but that Leifer discloses such a system in paragraphs [0035]-[0036]. The Applicant is in disagreement with the Examiner's interpretation of Leifer. Specifically, the

Examiner states that Leifer teaches that the customer's keypad has a location identifier which sends signals to the central station. However, the cited paragraphs states the following:

In operation the key pad devices 14 are located at each table or other customer locations where customers are expected to sit or wait for service.

The seats at a bar would also be examples of such locations. *The central station 12 is preferably programmed with the geographic position (i.e., customer location) of each keypad device 14.* This geographic position layout is typically the table/seating layout for the respective establishment.  
(emphasis added)

This passage makes it explicitly clear that the geographic location is stored in the central station and not in each keypad. Therefore, the limitation that the patron unit stores data indicative of its location is not met by this disclosure in Leifer. The storage and the location information within the patron units of the present invention is necessary because these units are mobile or may be mobile whereas the keypads disclosed in Leifer and all other cited references in this office action do not include patron units which are intended to move about the premises of the venue and therefore have no need to store or transmit real time location information to the central computer. Likewise, with respect to claim 133, which claims the location identifier is a room number, as previously stated, Leifer does not disclose this information be stored with the patron unit but, instead that it be stored on the central server and, as a result, this limitation is not met.

#### **Regarding Claim 144**



The Examiner has rejected this claim as being unpatentable over Terasé in view of Cogen and further in view of U.S. Patent 6,317,718 (Fano). The Examiner states that the combination of Terasé and Cogen is silent regarding a GPS receiver and location information supplied utilizing the GPS receiver but that Fano discloses a system for a location based filtering for a shopping agent in the physical world having a GPS receiver and location information supplied utilizing the GPS receiver. The Applicant concedes that it is well known in the art that mobile GPS units are able to provide geographic locations and that this information may be transmitted. However, as previously stated, the combination of Terasé and Cogen does not disclose a system wherein the patron units are intended to be mobile and are able to move about the premises of a venue but, instead, disclosed patron units that are designed to be tied to a specific physical location for instance, a table, as a result, there is no need in the system of Terasé and/or Cogen to supply such units with a GPS receiver for purposes of transmitting location information to a central station. The location of the units in Terasé and Cogen is fixed. As a result, there would be no need to supply a GPS unit with the patron units of Terasé and Cogen and the Applicant therefore respectfully submits that it is not obvious to do so even in light of the disclosure of Fano.

### **Conclusion**

The Applicant has provided reasoned arguments as to why the present system is novel in light of the volume of cited art. In particular, there are significant differences between the system of Terasé and the present system, namely that the staff units of the present system are much more advanced in functionality and capability than those disclosed in Terasé or any other cited art. The staff units of the

present invention provide functional features that are simply not available in the other prior art systems because of the lack of functionality provided by the staff units in those references. Based on this difference alone, and because all other rejections are based on the Examiner's interpretation of Teras as discussed and traversed by the Applicant herein, the Applicant respectfully requests the withdrawal of the rejections and that a notice of allowance be issued for all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Carleton", with a long horizontal flourish extending to the right.

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